

UNITED STATES DISTRICT COURT OF MASSACHUSETTS

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U.S. DISTRICT COURT
DISTRICT OF MASS.

FLAVIA BENITEZ
PLAINTIFF

CIVIL ACTION # 04- CV- 11959-NG
PRO -SE

VS

SODEXHO-MARRIOTT
DEFENDANTS

COOLEY MANION JONES

THIS CIVIL ACTION WAS BROUGHT UNDER 42 x 1983 FOR DEPRIVATION OF
CIVIL RIGHTS PROTECTED BY THE US CONSTITUTION BILL OF RIGHTS.

42 U.S.C x 1983

“EVERY PERSON WHO UNDER COLOR OF ANY STATUTE , ORDINANCE , RE-
GULATION , CUSTOM OR USAGE, OF ANY STATE OR TERRITORY , OR DISTRICT
COLUMBIA , SUBJECTS OR CAUSES TO BE SUBJECTED, ANY CITIZEN OF THE
UNITED STATES OR OTHER PERSON WITHIN THE JURISDICTION THEREOF
TO THE DEPRIVATION OF ANY RIGHTS , PRIVILEGES , OR IMMUNITIES SECU-
RED BY THE CONSTITUTION AND LAWS , SHALL BE LIABLE TO THE
PARTY INJURED IN AN ACTION AT LAW, SUIT IN EQUITY , OR OTHER
PROPER PROCEEDING FOR REDRESS.”

R. S. x 1979 pub. 96- 170 x 1 , DEC 29, 1979

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THE DEPRIVATION OF PRIVILEGES , IMMUNITIES AND CIVIL RIGHTS
SECURED BY THE U.S.CONSTITUTION , FEDERAL AND STATE LAWS AND
CIVIL RIGHTS SECTION 1981, 1983 , 1984

A) 42 x 1981 THAT IS EQUAL RIGHTS UNDER THE LAW.

a) STATEMENT OF EQUAL RIGHTS.

b) PROTECTION AGAINST IMPAIRMENT.

B) 42 x 1983 CIVIL ACTION FOR DEPRIVATION OF RIGHTS :

NOTES 430, 432, 433 , 738, 740, 743, 744, 746, 1082, 1084, 1088, 1083, 1086, 1120, 1710,
1708, 8002, 1202, 1203, 1204, 1207,

C) 42 x SECTION 1985 .

CONSPIRACY TO INTERFERE WITH CIVIL RIGHTS.

a) OBSTRUCTING JUSTICE , INTIMIDATING PARTY , WITNESS.

b) DEPRIVING PERSONS OF RIGHTS OR PRIVILEGES .

D) 42 x 1986

ACTION FOR NEGLECT TO PREVENT.

E) THE DEPRIVATION OF RIGHTS , PRIVILEGES AND IMMUNITIES SECURED
BY THE U.S.CONSTITUTION AND THE BILL OF RIGHTS 42 U.S.C 2000h-2 AND
EQUAL PROTECTION OF THE LAW 1975 (a). .

THE FIRST AMENDMENT AND FOURTEENTH AMENDMENT OF BILL OF
RIGHTS

FIRST AMENDMENT -FREEDOM (SHALL NOT BE VIOLATED)

FOUR AMENDMENT THE RIGHT OF PEOPLE TO BE SECURE IN THEIR
PERSONS, HOUSES , PAPERS, AND EFFECT AGAINST UNREASONABLE
SEARCHES AND SEIZURES , SHALL NOT BE VIOLATED.

SEVEN AMENDMENT (THE RIGHT OF TRIAL BY A JURY SHALL BE PRE-
SERVED).

FOURTEENTH AMENDMENT

NO STATE SHALL MAKE OR ENFORCE ANY LAW WHICH SHALL ABRIDGE
THE PRIVILEGES OR IMMUNITIES OF CITIZEN OF THE LIMITED STATES
NOR SHALL ANY STATE DEPRIVE ANY PERSON , LIFE, LIBERTY, OR PRO-
PERTY WITHOUT DUE PROCESS OF LAW, OR DENY TO ANY PERSON
WITHIN ITS JURISDICTION TO EQUAL PROTECTION OF THE LAWS.

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F) THE DEPRIVATION OF THE PLAINTIFF RIGHTS PROVIDED UNDER THE FAIR FEDERAL EMPLOYMENT STANDARDS AND EQUAL EMPLOYMENT OPPORTUNITY. 42 x 2000e-4 note EON 12106, 12101 -12213.
THE FAIR EMPLOYMENT LAW DECLARES THAT IT IS ILLEGAL TO DISCRIMINATE ON BASIS OF RACE, COLOR , RELIGIOUS CREED , NATIONAL ORIGIN, SEX, SEXUAL ORIENTATION, AGE , ANCESTRY OR DISABILITY.

1-IT IS UNLAWFUL TO:

PRINT OR CIRCULATE ANY ADVERTISEMENT OR USE ANY APPLICATION FORM WHICH DIRECTLY OR INDIRECTLY SPECIFIES ANY LIMITATION ON THE BASIS OF RACE, COLOR , RELIGIOUS CREED , NATIONAL ORIGIN, SEX, SEXUAL ORIENTATION , AGE, ANCESTRY OR DISABILITY.

2- IT IS UNLAWFUL TO:

DISCHARGE OR REFUSE TO HIRE ANY INDIVIDUAL ON THE BASIS OF RACE, COLOR , NATIONAL ORIGIN, SEX, SEXUAL ORIENTATION, AGE, ANCESTRY, OR DISABILITY.

DENIAL EQUAL EMPLOYMENT OPPORTUNITY 42 x 2000e-6

3-IT IS UNLAWFUL TO:

DISCRIMINATE AGAINST ANY INDIVIDUAL IN MATTERS RELATING TO COMPENSATION , TERMS, CONDITION, OR PRIVILEGES OF EMPLOYMENT BECAUSE OF RACE, COLOR , NATIONAL ORIGIN, RELIGIOUS CREED , SEX SEXUAL ORIENTATION , AGE , ANCESTRY, OR DISABILITY.

4-IT IS UNLAWFUL TO :

REFUSE TO GRANT A FEMALE EMPLOYEE AT LEAST 8 WEEKS LEAVE FOR PURPOSES OF CHILDBIRTH OR TREAT HER ABSENCE DIFFERENTLY THAN ANY OTHER ABSENCE DUE TO DISABILITY.

5- IT IS UNLAWFUL TO:

REQUIRE AN EMPLOYEE TO REMAIN AT WORK DURING ANY DAY OR PART THEREOF THAT HE OR SHE OBSERVES AS A RELIGIOUS HOLIDAY PROVIDED THAT THE EMPLOYEE GIVE A TEN - DAY NOTICE AND THE ABSENCE DOES NOT CAUSE UNDUE HARDSHIP TO THE EMPLOYER.

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6-IT IS UNLAWFUL TO :

DISCHARGE OR REFUSE TO HIRE ANY PERSON BECAUSE OF THEIR FAILURE TO FURNISH INFORMATION CONCERNING ADDMISSION TO A CENTER FOR TREATMENT OF MENTALLY ILL PERSONS.

7- IT IS UNLAWFUL TO:

DISCRIMINATE AGAINST A JOB APPLICANT FOR FAILURE TO FURNISH INFORMATION WRITTEN OR ORAL CONCERNING:

a) AN ARREST , DETENTION, OR DISPOSITION REGARDING A VIOLATION OF LAW IN WHICH NO CONVICTION RESULTED;

b) A FIRST CONVITION FOR ANY OF THE FOLLOWING MISDEMEANORS, DRIVING UNDER THE INFLUENCE, SIMPLE ASSAULT , SPEEDING, MINOR TRAFFIC VIOLATION, DISTURBANCE OF PEACE;

c) CONVICTION FOR A MISDEMEANOR WHERE THE DATE OF THE CONVICTION OR END OF PERIOD OF INCARCERATION IF ANY, OCCURRED MORE THAN FIVE YEARS PRIOR THE EMPLOYMENT APPLICATION, AND THE APPLICANT HAS NOT BEEN CONVICTED OF ANY OFFENSE WITHIN THE FIVE YEARS IMMEDIATELY BEFORE THE DATE OF APPLICATION.

8- IT IS UNLAWFULL TO :

RETALIATE AGAINST ANY PERSON BECAUSE HE OR SHE HAS OPPOSED ANY PRACTICES FORBIDDEN UNDER THE LAW, BECAUSE HE OR SHE HAS FILLED A COMPLAIN , TESTIFIED OR ASSISTED IN ANY PROCEEDING , IT ALSO ILLEGAL TO AID , ABET, INCITE , COMPEL OR COERCE, THE DOINGS OF ANY OF THE ACTS FORBIDDEN BY LAWS.

RETALIATION 42U.S.C 1997d

G) CONSPIRACY NEGLECT TO PREVENT .

CONSPIRACY TO INTERFERE WITH SECURED RIGHTS.

42 x 1985 , 1986.

2) OBSTRUCTING JUSTICE , INTIMIDATING PARTY, WITNESS.

3) DEPRIVING PERSONS OF RIGHTS , PRIVILEGES OR IMMUNITIES.

42 U.S.C .2000a- 2 PROHIBITS DEPRIVATION OF , INTERFERENCE WITH, AND PUNISHMENT FOR DENYING RIGHTS AND PRIVILEGES SECURED BY

42 U.S.C 2000a - 1.

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INTIMIDATION THREATS OR COERCION LOSS OF RIGHT TO EQUAL PROTECTION OF LAW , DEPRIVATION OF , COMPLAIN, JUDICIAL POWER TO ENSURE COMPLIANCE WITH CONSTITUTIONAL STANDARDS 42 x 2000 c -6

A RELIEF FROM DENIAL OF EQUAL PROTECTION OF LAWS ON ACCOUNT OF RACE , COLOR , RELIGION, NATIONAL ORIGIN, SEX, SEXUAL ORIENTATION , AGE OR DISABILITY.
42 U.S.C. 2000h -2

VIOLATION OF CERTAIN LAWS SUCH AS:
FAMILY MEDICAL LEAVE, EQUAL PAY, DEFAMATION, PRIVACY.
AND DISCRIMINATING BECAUSE OF AGE , DISABILITY, NATIONAL ORIGIN, RACE , COLOR , BY DENYING EQUAL PROTECTION UNDER THE LAWS.
BY THE VIOLATION OF THE FIRST , FOUR , AND FOURTEENTH AMENDMENTS OF THE U.S CONSTITUTION BILL OF RIGHTS.

DENIAL PROTECTION UNDER FEDERAL , STATE AND LOCAL LAWS
FAIR FEDERAL EMPLOYMENT STANDARDS :

CONSTITUTIONAL BILL OF RIGHTS.
FIRST AND FOURTEENTH AMENDMENTS
EQUAL EMPLOYMENT OPPORTUNITY
DENIAL EQUAL PROTECTION OF LAWS.

1975 (a) 42 x 2000 h-2
DISCRIMINATION BASED ON DISABILITY OF INDIVIDUALS WHO HAVE OR PERCEIVE TO HAVE A DISABILITY: UNDER TITLE VII 42US.C2000e-2 NOTES 269, 270, 272. MASS. GEN. LAW 151B 4 (16) (17) , 12101-12213 ; AGE DISCRIMINATION : 42US.C 2000e-9 NOTE 281 , 29 U.S.C 621-634 ; MASS GEN LAW 151 B 1 ; NATIONAL ORIGIN,

FAIR FEDERAL EMPLOYMENT STANDARDS : 42x2000e-4 , 12101-12213 , 151B.
FAMILY MEDICAL LEAVE: 42 x 2000e note 266 ; MASS. GEN LAW 151B 1 (5) , 149, 105D , 52D .
EQUAL PAY ACT : 42.2000e-10 ; 29. 206 (d)

RETALIATION: 42u.s.c 2000e-2 NOTES 218 , 219. ; 42.1997 (d).

WRONGFUL TERMINATION : 42 x 2000h-2

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DEFAMATION: 42x 1975 (d) , 42 x 1997 (e)

PRIVACY : FIRST AND FOURTEENTH AMENDMENTS

ASSERTION OF RIGHTS BASED ON FEDERAL , STATE AND LOCAL LAWS
PURSUANT OF REMEDIES FOR ENFORCEMENT OF SUCH RIGHTS AND PERSONS
LIABLE.42U.S.C 2000e-7. REMEDIES ARE AVIABLE PUNISHMENT , PENALTIES AND
FORFEITURES UNDER COLOR LAW FINE 18 x 242
DAMAGES IN INTENTIONAL DISCRIMINATION (42U.S.C 1981(a) , 42 U.S.C. 2000e-2
NOTES 649, 669, 809 , 42U.S.C 2000e-7, 42 U.S.C 1997 (a) DEPRIVING THE EXERCISE
OF RIGHTS , PRIVILEGES AND IMMUNITIES SECURED BY FEDERAL AND
STATE LAWS. AND CONSTITUTIONAL BILL OF RIGHTS.

REASONABLE ACCOMMODATION AND GOOD FAITH EFFORT PRECLUDING
AWARDS OF DAMAGES FOR INTENTIONAL DISCRIMINATION IN EMPLOYMENT
UNDER 42 U.S.C 1981 (a), THE MERIT SYSTEM AWARDS AND INJUNCTIVE
CIVIL ACTION EQUITABLE RELIEF AND PERSONAL SUITS FOR RELIEF
AGAINST DISCRIMINATION AND DEPRIVATION OF EQUAL PROTECTION
SECURED BY FEDERAL ,STATE AND LOCAL LAWS .THE PLAINTIFF SHALL BE
COMPENSATED FOR ECONOMICAL DAMAGES ,PHYSICAL INJURIES AND
EMOTIONAL INJURIES.

42 U.S.C 1981 (a)

a) RIGHT TO RECOVERY.

b) COMPENSATORY AND PUNITIVE DAMAGES

c) JURY TRIAL SEVEN AMENDMENT AND 42 U.S.C 2000d-2 NOTE 8.

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COMPENSATION IS PROVIDED 42 x 2000e- 2 NOTES 638,640,645 649, 669, 808, 809.;
42 U.S.C 1997(a) AND THE MERIT SYSTEM AWARDS.

42 x 2000b -2 ; 42 x 2000c- 8 ; 42 x 2000a -2; 42 x 2000a -3 ; 42 x 2000 c-7 ; 42 x 2000a-1
42 x2000a ; 42 x 1997 c ; 42 x 1982 ; 42 x 1981(a) ; 42 x 1988 ; 42 x 2000c -2 ; 42 x 5174;
42 x 1395 h ; 42 x 2000 h-2 ; 42 x 242 b ; 42 x 2000d- 1 ; 42 x 280 note , 42 x 2000e-2
NOTES 638, 640, 645, 649, 669, 808, 809.

42 x 2000d-7 ; 42 x 2000e -10 ; 42 x 2000 b-1 ; 42 x 246, 9401, 42, x 1975 b.

THE MERIT SYSTEM AWARDS 5 x 6381 ; 5 x 2301 ; 5 x 2302 ; 5 x 3330 ; 5 8339 ;
31 x 3527 ; 10 x 9447 ; 10 x 9443 ; 5 x 8141 ; 12 x 5005 ; 5 x 8337 , 5 x 8342 ; 5 x 7513 ;
5 x 3301 ;

NOVEMBER 2, 2006.

SUBMITTED BY

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